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Title: Water Affordability Programs and Protection from Water Shutoffs

Introduced by: Eric Walton for the Medical Student Section

Original Author: Miriam Bareman, Haben Debessai, Daniel Ferman, Fredrick Hetzel, Brent Oldham, and Eric Walton

Referred to: Reference Committee D

House Action: **APPROVE**

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Whereas, the Michigan Constitution gives cities the authority to own or operate public service facilities for water and Michigan legislation gives municipalities authority to set water rates, enforce payment, and shut off water supplies to any individual neglecting to make payments<sup>1,2,3</sup>, and

Whereas, Michigan has programs to prevent electricity and gas shutoffs for elderly, low-income households, and critically ill individuals, but does not have any restrictions on water shutoffs<sup>4</sup>, and

Whereas, the Unitarian Universalist Service Committee, a global human rights non-profit, recommends low-income children (under age 18), elders (over age 65), pregnant women, and chronically ill individuals should be protected from water shutoffs and that water rates should not exceed 2.5 percent of monthly income<sup>5</sup>, and

Whereas, City of Detroit policy prohibits water shutoffs that would precipitate a medical emergency, but does not protect other vulnerable populations<sup>6</sup>, and

Whereas, in Detroit, where water bills exceed 8.2 percent of income for 21 percent of households, the Detroit Water and Sewage Department shut off approximately 33,000 and 24,000 water accounts in 2014 and 2015, because of unpaid bills, without regard for vulnerable populations<sup>5</sup>, and

Whereas, in response to mass water shutoffs, Mayor Mike Duggan established the Blue Ribbon Panel on Affordability, which recommended expansion assistance programs for bill payment and water conservation<sup>7</sup>, and

Whereas, while water assistance programs in Southeast Michigan (e.g., WRAP, 10/30/50 Payment Plan, WAVE Fund) and the Michigan Department of Health and Human Services sponsored emergency relief program provide temporary relief to low-income households, these programs do not protect vulnerable populations nor offer long-term affordability solutions<sup>8</sup>, and

Whereas, the Michigan Welfare Rights Organization has created a Water Affordability Plan approved by Detroit City Council and the Mayor in 2006 to aid residents at household incomes 175 percent or below the federal poverty line, but has since been blocked by the Detroit Water and Sewage Department<sup>9</sup>, and

Whereas, despite water payment assistance programs in Flint to aid residents receiving first-time water shut off notices with bill payment, up to 60 percent of residential accounts maintained a delinquent payment status and faced water shutoff<sup>10,11</sup>, and

53           Whereas, California state law declares that “every human being has the right to safe, clean,  
54 affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes”  
55 and establishes the Low-Income Water Rate Assistance Program, which will make California the first  
56 state to use state funds to subsidize water service for poor residents<sup>12,13</sup>, and  
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58           Whereas, Philadelphia has programs in place to aid residents who cannot pay for regular water  
59 prices, such as the Water Revenue Assistance Program, which states that residents who are at or below  
60 250 percent of the federal poverty line qualify for grants up to \$500.00 and can participate in  
61 repayment agreements to prevent water shutoffs<sup>14</sup>, and  
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63           Whereas, Massachusetts provides year-round water access protection for households suffering  
64 financial hardship that include a resident with serious illness or a child under the age of one<sup>15</sup>, and  
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66           Whereas, Rhode Island protects access to water, gas, and utilities if a resident has proven  
67 financial hardship and agrees to enroll said resident in a resident payment plan<sup>16</sup>; therefore be it  
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69           RESOLVED: That MSMS lobby the state Legislature to prevent water shutoffs as a punitive  
70 measure for inability to pay water bills; and be it further  
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72           RESOLVED: That MSMS advocate for the implementation and use of water affordability  
73 programs to assist persons with household incomes 175 percent or below the federal poverty line in  
74 paying water bills; and be it further  
75

76           RESOLVED: That MSMS advocate for state legislation that protects water security for  
77 vulnerable populations, specifically those with chronic medical conditions authorized by a physician,  
78 children under the age of 18, elderly individuals age 65 or older, individuals with a disability, pregnant  
79 individuals, or persons with household incomes 175 percent or below the federal poverty line.  
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82   WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE

<sup>1</sup> Mich. Const. 1963, Art. VII, § 24, Eff. Jan. 1, 1964

<sup>2</sup> Michigan Compiled Laws Section 106.6

<sup>3</sup> Michigan Compiled Laws Section 123.166

<sup>4</sup> The LIHEAP Clearinghouse. State Disconnection Policies. <https://liheapch.acf.hhs.gov/Disconnect/disconnect.htm>. Accessed February 6, 2017.

<sup>5</sup> Jones, PA, Moulton, A. The Invisible Crisis: Water unaffordability in the United States. Unitarian Universalist Service Committee; 2016.

<sup>6</sup> City of Detroit Water & Sewage Department. Collection Rules and Procedures. 2003.

<sup>7</sup> City of Detroit Blue Ribbon Panel on Affordability. Final Report. 2016.

<sup>8</sup> City of Detroit. Keep the Water On. <http://www.detroitmi.gov/How-Do-I/Find-Community-Services/Keep-the-Water-On>. Accessed February 6, 2017.

<sup>9</sup> Clark, M. Water Affordability in Detroit: A legal analysis. Wayne State University School of Law.

[http://www.greatlakeslaw.org/files/clark\\_water\\_affordability\\_in\\_detroit.pdf](http://www.greatlakeslaw.org/files/clark_water_affordability_in_detroit.pdf). Accessed February 12, 2017

<sup>10</sup> United Way of Genesee County. Basic Needs. <http://www.unitedwaygenesee.org/basic-needs-0>. Accessed February 6, 2017.

<sup>11</sup> Moore, K. City of Flint to Resume Water Shutoffs for Nonpayment under New Rate Structure. <https://www.cityofflint.com/2015/11/05/city-of-flint-to-resume-water-shutoffs-for-nonpayment-under-new-rate-structure/>. Accessed February 12, 2017

<sup>12</sup> California Water Code Section 106.3

<sup>13</sup> California Water Code Section 189.5

<sup>14</sup> City of Philadelphia. Income-based water bill assistance. <https://beta.phila.gov/services/payments-assistance-taxes/income-based-assistance-programs/income-based-water-bill-assistance/>. Accessed January 10, 2017.

<sup>15</sup> 220 C.M.R. 25.03(1); M.G.L. 165 § 11B.

<sup>16</sup> State of Rhode Island and Providence Plantations Public Utilities Commission. Rules and regulations governing the termination of residential electric, gas, and water utility service. 2010.